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Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 1753

PATENT  
ATTORNEY DOCKET NO.: 063373-5021 (AMENDED)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Philip John ROETH <i>et al.</i>	)	Confirmation No.: 3910
	)	
Application No.: 10/029,026	)	Group Art Unit: 1753
	)	
Filed: December 21, 2001	)	Examiner: A. S. Phasge
	)	
For: APPARATUS AND METHOD FOR	)	
SEPARATION OF MOLECULES AND	)	
MOVEMENT OF FLUIDS	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop AF**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116 TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the final Office Action dated December 29, 2004.
2. Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ <b>60.00</b>
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$ **60.00**

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

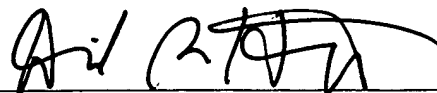
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	37	minus	39	0	x \$50 each=	+ \$000.00
Independent Claims (37 C.F.R. §1.16(b))	6	minus	6	0	x \$200 each=	+ \$000.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$000.00
SUB-TOTAL =						\$000.00
Reduction by ½ for filing by a small entity						- \$000.00
TOTAL FEE =						\$000.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



David J. Baltazar (Reg. No. 53,964)

For: Erich E. Veitenheimer (Reg. No. 40,420)

Dated: April 20, 2005

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PATENT

Attorney Docket No. 063373-5021 (AMENDED)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Philip John ROETH *et al.* )  
Application No.: 10/029,026 ) Confirmation No.: 3910  
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For: APPARATUS AND METHOD FOR ) Examiner: A. S. Phasge  
SEPARATION OF MOLECULES )  
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Commissioner for Patents  
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401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT AND REQUEST FOR  
RECONSIDERATION UNDER 37 C.F.R. § 1.116**

In response to the final Office Action mailed December 29, 2004, which period for response extends through April 29, 2005, a petition for a one month extension of time and fee filed herewith, entry of the following amendments is respectfully requested to place the application in condition for allowance or at least better form for appeal.

04/21/2005 JADD01 00000028 500310 1000:3026

01 FC:2251 60.00 DA

**Petition For Extension of Time**

It is respectfully requested that the time for response to the final Office Action dated December 29, 2004 be extended for a period of one (1) month from March 29, 2004 up to and including April 29, 2005. The fee for this extension of time is believed to be **\$60.00**. Please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.